IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3037 OF 2007

Solapur Zilla Mahila Sahkari Bank Limited ..Petitioner

V/s.

Sunil Sadashiv More ..Respondent

Mr.Kiran Bapat i/b. Avinash Fatangare, advocate, for petitioner
Mr.M.S.Topkar, advocate, for respondent

CORAM : SMT.NISHITA MHATRE, J.

DATE : 18TH SEPTEMBER, 2007

P.C.

1. The petition challenges the order passed by the Labour Court on 13th January, 2000 in complaint (ULP) No.134 of 1996. It also challenges the order passed by the Industrial Court on 30th September, 2006 in Revision Application (ULP) No.96 of 2000. The Labour Court by an ex-parte order directed the petitioner to re-instate the respondent workman and has granted continuity of service and full backwages from 25th July, 1996. The Labour Court declared that an unfair labour practice was committed by the petitioner under Item 1(b) and (f)

of Schedule IV of the MRTU & PULP Act. The Industrial Court has dismissed the Revision Application filed by the petitioner.

2. Learned counsel appearing for the petitioner submits that since there is no decision on merits where the petitioner had put forth its case before the Court order of the Labour Court should be set aside, as it was an ex-parte order. He further submits that in view of the provisions of Section 107 of the Maharashtra Co-operative Societies Act, 1960, no legal proceedings could have been undertaken by the respondent workman when an order for winding up has been passed with the leave of the Registrar. He submits that no such leave has been obtained by the respondent workman for adopting these proceedings.

3. These submissions of the learned counsel need not be considered since the petitioner has partly implemented the order of the Labour Court. An affidavit has been filed by the respondent workman wherein it is stated that he was reinstated

on 23rd February, 2000 by an order issued by the Adminstrator, pursuant to the order of the Labour Court. He has annexed the Joining Report to the affidavit. Thus, when the petitioner has implemented the order partly, there is no need to interfere with the orders. Apart from this the liquidator has retrenched all the employees, including the respondent with effect from 31.08.2000. Petition rejected.

(**SMT.NISHITA MHATRE, J.**)